

UNITED STATES OF AMERICA BEFORE
THE NATIONAL LABOR RELATIONS BOARD

In the matter of

United Government Security Officers
of America International and its Local
217,

Respondents,

and

Albert Frazier, an individual,

Charging Party

Case No. 04-CB-202803

**EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE
ON BEHALF OF THE UNITED GOVERNMENT SECURITY OFFICERS OF
AMERICA AND ITS LOCAL 217**

Pursuant to 29 C.F.R. § 102.46(a), United Government Security Officers of America International (“International”) and Its Local 217 (“Local 217”) (collectively, “Respondents”) file the following exceptions to the Decision and Order of Administrative Law Judge Michael A. Rosas:

1. Respondents except to the Judge’s finding that an email sent by Desiree Sullivan, President of the International, to Respondents’ third-party benefit administrator constituted an imminent, retaliatory threat that UGSOA was unilaterally disaffiliating from certain unit employees because protective security officer (“PSO”) Rashid Goins’ persisted in complaining about missing health and welfare contributions and implied that Respondents would walk

away from the affected PSOs without resolving the issue regarding missing contributions. (ALJ Decision, 26: 16-22).

2. Respondents except to the Judge's finding that Sullivan's email, referenced in paragraph 1 above, violated Section 8(b)(1)(A) of the National Labor Relations Act ("NLRA" or Act") because it was not based on the truthful consequences of Goins' statements, but rather, sought to coerce him from vigorously pursuing a resolution to the union's 401(k) issues. (ALJ Decision, 26: 24-26).

3. Respondents except to the Judge's reliance on 1115 Nursing Home and Hosp. Emps. Union, 305 N.L.R.B. 802 (1991) in finding that Sullivan unlawfully coerced Goins via her email referenced in paragraph 1 above. (ALJ Decision, 26: 26-34).

4. Respondents except to the Judge's finding that on April 26, 2017, the International's Executive Board began to retaliate for the protected activities of dissidents by voting to isolate unit employees at the VA, IRS, and SSA sites by removing them from Local 217 and placing them into a new Local 217B. (ALJ Decision, 27: 28-30).

5. Respondents except to the Judge's finding that UGSOA International did nothing to alleviate the problems encountered by the newly formed Local 217B membership and did nothing to help Local 217B membership get Local 217B up and running. (ALJ Decision 27: 42-45).

6. Respondents except to the Judge's finding that Goins' sharp criticism on June 6, 2017 led Sullivan to declare that UGSOA would disaffiliate

from Local 217B after its third-party administrator looked into and advised her about Goins' latest charges. (ALJ Decision 28: 1-2).

7. Respondents except to the Judge's finding that the evidence failed to establish that Goins, Frazier, and/or Markert spoke on behalf of the bargaining unit employees at the VA, SSA, and IRS sites. (ALJ Decision 28: 7-9).

8. Respondents except to the Judge's finding that UGSOA's unilateral disaffiliation of unit employees at the VA, SSA, and IRS sites was undertaken in bad faith and discriminated against those employees because of the protected, concerted activities of several unit employees in breach of its duty of fair representation in violation of Section 8(b)(1)(A) of the Act. (ALJ Decision, 28: 12-16).

9. Respondents except to the Judge's finding that, prior to June 2017, protective security officers could be assigned to work and earn overtime pay at any contract site. (ALJ Decision: 2: 31-32).

10. Respondents except to the Judge's finding that the recovery process for the underfunding of Local 217 members' health and welfare accounts was "chaotic." (ALJ Decision, 6: n.11).

11. Respondents except to the Judge's finding that, as of 2017, Local 217 unit members received a \$4.20 per hour health and welfare contribution for every hour worked. (ALJ Decision, 6: 19-22).

12. Respondents except to the Judge's finding that Markert, Goins, and Frazier's dues were being deducted around the time of the Spring of 2017 election. (ALJ Decision: 9: n.17).

13. Respondents except to the Judge's finding that Michael Coston was nominated to run for President of Local 217 during the Spring of 2017 election. (ALJ Decision: 9: 37-38).

14. Respondents except to the Judge's finding that Natale proceeded to implement the separation of Local 217 and Local 217B on May 31, 2017 by formally notifying Local 217 leadership of the action. (ALJ Decision: 18: 5-15).

Respectfully submitted,

On behalf of the United Government
Security Officers of America International
and its Local 217,

By its attorneys,

/s/ Kristen A. Barnes

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